THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.458 of 2005

Dated:13.09.2007

Between

Vavilapalli Anuradha

..Petitioner

and

1.The District Collector,
Srikakulam, Srikakulam and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.458 of 2005

ORDER:

This writ petition has been filed seeking a Mandamus to declare the action of the respondents in issuing removal orders *vide* letter No.91/04, dated Nil October, 2004 as arbitrary and illegal and contrary to the principles of natural justice and consequently to direct the respondents to reinstate the petitioner into service.

It appears that in pursuance of notification dated 4.8.2002 inviting applications for appointment as Anganwadi worker of Madhavarayapuram village, Palakonda, Srikakulam District, the petitioner and one Narasamma applied for the said post. However, Grama Sabha was conducted on

4.8.2002 in the presence of Child Development Project Officer, Palakonda including the Mothers Committee and out of 104 women, the petitioner got 67 votes and therefore, she was appointed and sent for Integrated Child Development Service Training and she successfully completed the training and was issued with a certificate. Thereafter, she worked for two years and absolutely, there was no complaint from any corner. However, suddenly, the impugned order dated nil October, 2004 was passed by 3rd respondent removing the petitioner from service as Anganwadi worker of the said village on the ground that at time of her appointment, she was only 19 years whereas the requirement for considering appointment to the said post was 21 years. Aggrieved by the same, the present writ petition is filed.

The facts are not much in dispute. Even in the counter filed, it is stated that as per the enquiry report of the Revenue Divisional

Officer, Palakonda, the District Collector, Srikakulam has issued marginal remarks on the note file stating that as on the date of selection, the petitioner was 19 years and three months age, but required minimum age is 21 years and she is also 10th class failed candidate and so it reveals lapse in the selection procedure. Even this was done as noticed above after two years of her appointment and undergoing training which is found to be contrary to the GOMs.No.48, WD & CWD.W (CIS) Department, dated 20.7.98 read with circular dated 21.8.98 issued by Director and Child Welfare Department. It appears that this requirement was also again amended vide G.O.Ms.No.20 dated 10.4.2003. Now the age criteria was fixed between 18 and 35 years and further the petitioner has passed 10th class in the meanwhile.

Therefore, I am of the opinion that since the petitioner has already undergone training as required by the Department and worked

successfully for more than two years, and only on the ground that as on the date of her appointment she was under-aged, cannot be taken as a reason to remove her from service.

Under those circumstances, I am of the opinion that the approach made by the respondent is very pedantic and unreasonable and therefore, the impugned order requires to be set aside.

Accordingly, the writ petition is allowed and the impugned order is set aside. The respondents are directed to reinstate the petitioner forthwith as Anganwadi worker of Madhavarayapuram village, Palakonda, Srikakulam District.

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13-09-2007

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